UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-4207

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

NAKOMA TOWNSEND,

Defendant - Appellant.

Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. John T. Copenhaver, Jr., District Judge. (CR-03-119)

Submitted: June 25, 2004 Decided: July 16, 2004

Before WILKINSON, LUTTIG, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Mary Lou Newberger, Federal Public Defender, David R. Bungard, Assistant Federal Public Defender, Jonathan D. Byrne, Charleston, West Virginia, for Appellant. Kasey Warner, United States Attorney, Joshua C. Hanks, Assistant United States Attorney, Charleston, West Virginia, for Appellee.

PER CURIAM:

Nakoma Townsend appeals his eighteen-month sentence following his guilty plea to possession of a firearm while subject to a Domestic Violence Protective Order, in violation of 18 U.S.C. §§ 922(g)(8), 924(a)(2) (2000). Finding no reversible error, we affirm.

On appeal, Townsend contends that the district court clearly erred in applying a four-level enhancement for possession of a firearm in connection with another felony offense pursuant to U.S. Sentencing Guidelines Manual § 2K2.1(b)(5) (2001). "[W]e review the district court's findings of fact for clear error, giving due deference to the district court's application of the Guidelines to the facts." United States v. Garnett, 243 F.3d 824, 828 (4th Cir. 2001). Our review of the record reveals that Townsend carried the firearm on his person while breaking into Addie McMillan's house, which no doubt emboldened him during the commission of the burglary. We have held that it is enough for the Government to establish that the firearm was used or possessed in connection with another felony if it shows that the gun was "present for protection or to embolden the actor." United States v. Lipford, 203 F.3d 259, 266 (4th Cir. 2000) (citation omitted). We therefore find that the district court did not clearly err in applying the enhancement.

Accordingly, we affirm Townsend's sentence. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED